



Docket No.: 1567.1019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Seong-Taek LEE et al.

Serial No. 09/935,332

Group Art Unit: 1762

Confirmation No. 8125

Filed: August 23, 2001

Examiner: Michael B. Cleveland

For: METHOD FOR FABRICATING ORGANIC ELECTROLUMINESCENT DISPLAY

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the above identified application, the Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features. The Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed March 8, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The reasons for allowance set forth on page 2 of the Notice of Allowance include the Examiner's recitation of certain elements found in one of the allowed claims, as well as remarks regarding various references which the Examiner asserts as known in the related art. It is respectfully submitted that these remarks are not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in MPEP §1302.14. At least the following items render the

Examiner's statement of reasons for allowance improper under this rule.

The reasons for allowance include the Examiner's recitation of various theories and practices allegedly disclosed in various cited references. Four of the five references cited were not previously cited during the prosecution of this application, and, further, several of the remarks made by the Examiner regarding the cited references do not address elements as cited in the allowed claims. Therefore, the Applicants respectfully submit that these remarks describing the cited references are neither proper nor sufficiently germane to the reasons for allowance of these claims. In particular, a discussion of the prior art is specifically identified in Example (F) of MPEP §1302.14 as a statement which is not a suitable reason for allowance.

Further, the Examiner's remarks regarding the patentably distinguishable element of the present application only address certain elements of independent claim 1 as the basis for the reasons for allowance, while there is no mention of the remaining features of claim 1 or the features of the other allowed claims. It is respectfully submitted that the Examiner's statement is not an accurate quote with respect to each of the allowed claims. It is further respectfully submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is respectfully submitted that the claims provide their own best evidence as to the reasons for allowance.

It is respectfully submitted that the claims are not constrained by such improper comments, statements, and incorporation from the specification by the Examiner, and that the claims speak for themselves as to what features are included therein.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (MPEP §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 6/7/05

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COMMUNICATION TO THE EXAMINER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are documents from the corresponding Chinese Patent Application. Since the issue fee has been paid and prosecution on the merits has been closed, please simply place the copy of the Chinese Office Action and the attached references in the file of the subject application.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

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